

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

9 Vu Van Le,) No. CIV 09-1196-PHX-ROS (DKD)
10 Petitioner,) **REPORT AND RECOMMENDATION**
11 vs.)
12 Katrina S. Kane, et al.,)
13 Respondents.)
14 _____)

15 TO THE HONORABLE ROSLYN O. SILVER, UNITED STATES DISTRICT JUDGE:
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17 Petitioner Vu Van Le filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C.
18 § 2241 on June 3, 2009. Le alleges that immigration officials are holding him in detention
19 pending his removal to Vietnam. He argues that he is entitled to release from custody
20 because his detention with no prospect that his removal will be effected in the reasonably
21 foreseeable future is not authorized by law. *See Zadvydas v. Davis*, 533 U.S. 678 (2001).
22 On August 11, 2009, the Government filed a Suggestion of Mootness, attaching an Order of
Supervision dated August 7, 2009 indicating Le's release. See Doc. #14.

23 **IT IS THEREFORE RECOMMENDED** that Vu Van Le's Petition for Writ of
24 Habeas Corpus be **denied as moot** (Doc. #1).

25 This recommendation is not an order that is immediately appealable to the Ninth
26 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of
27 Appellate Procedure, should not be filed until entry of the district court's judgment. The
28 parties shall have ten days from the date of service of a copy of this recommendation within

1 which to file specific written objections with the Court. *See*, 28 U.S.C. § 636(b)(1); Rules
2 72, 6(a), 6(e), Federal Rules of Civil Procedure. Thereafter, the parties have ten days within
3 which to file a response to the objections. Failure timely to file objections to the Magistrate
4 Judge's Report and Recommendation may result in the acceptance of the Report and
5 Recommendation by the district court without further review. *See United States v. Reyna-*
6 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Failure timely to file objections to any factual
7 determinations of the Magistrate Judge will be considered a waiver of a party's right to
8 appellate review of the findings of fact in an order or judgment entered pursuant to the
9 Magistrate Judge's recommendation. *See* Rule 72, Federal Rules of Civil Procedure.

10 DATED this 11th day of August, 2009.



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13 David K. Duncan
14 United States Magistrate Judge
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